

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

<p>WENDY DAVIS, DAVID GINS, and TIMOTHY HOLLOWAY, Plaintiffs, v. ELIAZAR CISNEROS, RANDI CEH, STEVE CEH, JOEYLYNN MESAROS, ROBERT MESAROS, and DOLORES PARK, Defendants.</p>	<p>Civil Action No. 1:21-cv-00565-RP Hon. Robert Pitman</p>
--	--

**PLAINTIFFS' SURREPLY IN SUPPORT OF PLAINTIFFS' OPPOSITION TO
DEFENDANT STEVE AND RANDI CEH'S MOTION FOR CONTINUANCE OF TRIAL**

Plaintiffs file this surreply in response to the allegations in Defendant Steve and Randi Ceh's (the Cehs) reply in support of their motion for a continuance. The Cehs' reply appears to argue that trial should be continued because Plaintiffs did not produce confidential settlement agreements that were widely publicized during discovery, but the Cehs never asked for them.¹ In fact, the Cehs never propounded a single discovery request before or after discovery closed in December 2023.² The Cehs should not get a second bite at the apple on discovery three days before

¹ The Cehs also allege that Plaintiffs have “bull[ied] Defendants who have limited resources,” presumably in reference to the Cehs. But the Cehs have meaningfully participated in this case. They attended numerous depositions and asked questions in at least one Plaintiff’s deposition. That the Cehs have now obtained counsel does not warrant a continuance, nor does their prior failure to propound discovery requests. For example, Defendant Cisneros also did not propound any discovery requests in this case.

² Nor did the Cehs object to the documents Plaintiffs produced under Federal Rule of Civil Procedure 26(a)(1)(A)(ii), and Plaintiffs provided thousands of additional documents to the Cehs, including documents produced by non-parties, despite the fact that they never served discovery.

voir dire is scheduled to begin in this case just because, years into this litigation, they obtained counsel.

The Cehs' reply states that "Plaintiffs have, for over a year, withheld and failed to disclose written agreements with former defendants—and now plaintiff witnesses—Hannah Seh [sic] and Kyle Kruger." But information about Plaintiffs' settlement with former Defendants Hannah Ceh and Kyle Kruger was widely publicized back in April of 2023, over six months before the close of discovery.³ The Cehs never sought to discover the confidential terms of the settlement. The Plaintiffs agree: they did not provide the Cehs with discovery the Cehs never requested.

The Cehs' reply does not even attempt to address the case law or arguments in Plaintiffs' response and instead, only raises new arguments that should be rejected by this Court.⁴ The Cehs' motion for a continuance should be denied, along with their request to reopen discovery less than a week before trial is scheduled to begin.

Date: September 3, 2024

Respectfully submitted,

/s/ Christina Beeler

TEXAS CIVIL RIGHTS PROJECT
Christina M. Beeler (TX Bar No. 24096124)
Sarah Xiyi Chen (CA Bar No. 325327) (*pro hac vice*)
Veronikah Rhea Warms (TX Bar No. 24132682) (*pro hac vice*)
Travis Fife (TX Bar No. 24126956)
Texas Civil Rights Project
1405 Montopolis Drive
Austin, TX 78741
Telephone: (512) 474-5073

³ See *Two Defendants in the Texas "Trump Train" Lawsuit Agree to Settlement*, <https://protectdemocracy.org/work/two-defendant-settle-trump-train/> (last visited Sept. 3, 2024).

⁴ Like their motion for a continuance, the Cehs' reply is notably devoid of case law—the Cehs did not cite to a single case in their reply, and only one case in their motion. See Dkts. 507, 510.

Facsimile: (512) 474-0726
christinab@texascivilrightsproject.org
schen@texascivilrightsproject.org
veronikah@texascivilrightsproject.org
travis@texascivilrightsproject.org

**THE PROTECT DEMOCRACY
PROJECT, INC.**

John Paredes (NY Bar No. 5225412) (*pro
hac vice*)
Orion Danjuma (NY Bar No. 4942249) (*pro
hac vice*)
The Protect Democracy Project, Inc.
82 Nassau Street, #601
New York, NY 10038
Telephone: (202) 579-4582
Facsimile: (202) 769-3176
john.paredes@protectdemocracy.org
orion.danjuma@protectdemocracy.org

Cerin Lindgrensavage (DC Bar No.
1741602) (*pro hac vice*)
JoAnna Suriani (DC Bar No. 1645212) (*pro
hac vice*)
Anne Harden Tindall (DC Bar No. 494607)
(*pro hac vice*)
The Protect Democracy Project, Inc.
2020 Pennsylvania Ave. NW, Suite # 163
Washington, DC 20006
Telephone: (202) 579-4582
Facsimile: (202) 769-3176
cerin.lindgrensavage@protectdemocracy.org
joanna.suriani@protectdemocracy.org
anne.tindall@protectdemocracy.org

Benjamin L. Berwick (MA Bar No. 679207)
(*pro hac vice*)
The Protect Democracy Project, Inc.
15 Main Street, Suite 312
Watertown, MA 02472
Telephone: (202) 579-4582
Facsimile: (202) 769-3176
ben.berwick@protectdemocracy.org

Jared Fletcher Davidson (LA Bar No.
37093) (*pro hac vice*)

The Protect Democracy Project, Inc.
3014 Dauphine Street, Suite J
New Orleans, LA 70117
Telephone: (202) 579-4582
Facsimile: (202) 769-3176
jared.davidson@protectdemocracy.org

WILLKIE FARR & GALLAGHER LLP
Michael Gottlieb (DC Bar No. 974960) (*pro hac vice*)
Robert Meyer (DC Bar No. 405632) (*pro hac vice*)
Samuel Hall (DC Bar No. 242110) (*pro hac vice*)
Meryl Conant Governski (DC Bar No. 1023549) (*pro hac vice*)
Jamielah Yancey (DC Bar No. 1619055) (*pro hac vice*)
Rebecca Heath (DC Bar No. 1644402) (*pro hac vice*)
Amy R. Orlov (DC Bar No. 1780213) (*pro hac vice*)
Noah Mussmon (DC Bar No. 90006660) (*pro hac vice*)
Willkie Farr & Gallagher LLP
1875 K Street, N.W.
Washington, D.C. 20006-1238
Telephone: (202) 303-1000
Facsimile: (202) 303-2000
Email: mgottlieb@willkie.com
rmeyer@willkie.com
shall@willkie.com
mgovernski@willkie.com
jyancey@willkie.com
rheath@willkie.com
aorlov@willkie.com
nmussmon@willkie.com

Aaron E. Nathan (NY Bar No. 5478227)
(*pro hac vice*)
Madeleine Tayer (NY Bar No. 5683545)
(*pro hac vice*)
Christina Adele Peck (NY Bar No. 5923545) (*pro hac vice*)
Willkie Farr & Gallagher LLP
787 Seventh Avenue

New York, NY 10019
Telephone: (212) 728-8000
Facsimile: (212) 728-8111
Email: anathan@willkie.com
mtayer@willkie.com
cpeck@willkie.com

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on September 3, 2024, a true and correct copy of the foregoing has been served on all counsel of record by the Electronic Case File System of the Western District of Texas in compliance with the Federal Rules of Civil Procedure.

DATED: September 3, 2024

Respectfully submitted,

/s/ Christina Beeler